

DOCKET 1141

DATE OF HEARING	June 3, 2013
NAME	Glen Aspaugh Co.
DESCRIPTION OF PROPERTY	9808 Clayton Road
CAUSE FOR APPEAL	Relief from the decision of the Building Official for a front entry which violates Section V, C, (1), (a) and (b) of Zoning Ordinance 1175.
RULING OF THE BOARD	After a discussion of the facts presented, the Board reversed the decision of the Building Official based on practical difficulties and approved the variance per the site plan dated May 9, 2013, with the condition that three parking spots in front of the entry be designated for "compact cars only".

MINUTES OF MEETING  
ZONING BOARD OF ADJUSTMENT  
Monday, June 3, 2013

DOCKET 1141  
9808 Clayton Road

A meeting of the Zoning Board of Adjustment was held at 4:00 p.m. on Monday, June 3, 2013, at City Hall.

The following members of the board were present:

Mr. Stanley Walch, Chairman  
Ms. Liza Forshaw  
Mr. David Schafly  
Mr. Fred Goebel  
Mr. John Shillington

Also present were: Mayor Nancy Spewak; Mr. Michael Wooldridge, Assistant to the Mayor / City Clerk; Mr. Michael Gartenberg, Building Official; Mr. John Maupin, City Attorney.

Chairman Walch called the meeting to order. Notice of Public Hearing, as follows:

NOTICE OF PUBLIC HEARING  
ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE, MISSOURI  
DOCKET NUMBER 1141

Notice is hereby given that the Zoning Board of Adjustment of the City of Ladue, St. Louis County, Missouri, will hold a public hearing on a petition submitted by Glen Aspaugh Co., St. Louis, MO 63124, requesting relief from the ruling of the Deputy Building Commissioner who declined to issue a permit for a front entry which violates Sections V, C, (1) (a) & (b) of Zoning Ordinance 1175.


The hearing will be held at 4:00 p.m. on Monday, June 3, 2013, at the City Hall, 9345 Clayton Road.

The hearing will be public and anyone interested in the proceedings will be given the opportunity to be heard.

Pursuant to Section 610.022 RSMo., the Zoning Board of Adjustment could vote to close the public meeting and move to executive session to discuss matters relating to litigation, legal actions and/or communications from the City Attorney as provided under section 610.021 (1) RSMo.

Stanley Walch, Chairman  
Zoning Board of Adjustment

(Transcript attached as part of the minutes)

  
Stanley Walch, Chairman

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ZONING BOARD OF ADJUSTMENT  
CITY OF LADUE  
LADUE, MISSOURI

IN THE MATTER OF:           )  
  )  
GLEN ALSPAUGH COMPANY    ) Docket NO. 1141  
9808 CLAYTON ROAD           )  
LADUE, MISSOURI 63124    )

Monday, June 3, 2013

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BOBBIE LUBER, LLC  
P.O. Box 31201 ~ 1015 Grupp Road ~ St. Louis, MO 63131  
314.993.0911

CERTIFIED COPY

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3 ZONING BOARD OF ADJUSTMENT  
4 CITY OF LADUE  
5 LADUE, MISSOURI  
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10 IN THE MATTER OF: )

11 )

12 GLEN ALSPAUGH COMPANY ) Docket NO. 1141

13 9808 CLAYTON ROAD )

14 LADUE, MISSOURI 63124 )

15  
16 Monday, June 3, 2013  
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20 BOBBIE LUBER, LLC

21 P.O. Box 31201 - 1015 Grupp Road - St. Louis, MO 63131

22 314.993.0911  
23  
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1 APPEARANCES:

2  
3 COUNCIL MEMBERS:

4 Mr. Stanley Walch, Chairman

5 Mr. Fred Goebel

6 Ms. Liza Forshaw

7 Mr. David Schlafly

8 Mr. John Shillington  
9

10 Also Present:

11 Mr. Michael Wooldridge, City Clerk

12 Mr. Michael W. Gartenberg, Deputy Building

13 Inspector

14 Mr. John King, Attorney for Appellant

15 Mr. David Pape

16 Mr. Tom Bourgeois  
17  
18

19 Court Reporter:

Bobbie L. Luber

20 Registered Professional Reporter #9209

Missouri CCR #621

21 Illinois CSR #084.004673

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St. Louis, MO 63131

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24  
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1 ZONING BOARD OF ADJUSTMENT  
2 CITY OF LADUE  
3 LADUE, MISSOURI  
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8 IN THE MATTER OF: )

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10 GLEN ALSPAUGH COMPANY ) Docket No. 1141

11 9808 CLAYTON ROAD )

12 LADUE, MISSOURI 63124 )  
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15 BE IT REMEMBERED that on the 3rd day of  
16 June, 2013, hearing was held before the Zoning Board  
17 of Adjustment of the City of Ladue, Missouri, at Ladue  
18 City Hall, 9345 Clayton Road, in the City of Ladue  
19 State of Missouri 63124, regarding the above-entitled  
20 matter before Bobbie L. Luber, Certified Court  
21 Reporter, Registered Professional Reporter, a Notary  
22 Public within and for the State of Missouri, and the  
23 following proceedings were had.  
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1 (The Meeting of the Zoning Board of

2 Adjustment of the City of Ladue was previously called  
3 to order at 4:00 p.m.)

4 CHAIRMAN WALCH: The next case is Docket  
5 Number 1141. It's the Glen Alspaugh Company, 9808  
6 Clayton Road. They are requesting relief from the  
7 Deputy Building Commissioner, who declined to issue a  
8 permit for a front entry, which violates Section V, C,  
9 (1)(a), (b) of Ordinance 1175.

10 Mr. Gartenberg, will you explain the reason  
11 or reasons these plans were disapproved so the members  
12 of the board understand the issues?

13 MR. GARTENBERG: Yes, sir. The proposed  
14 improvements to the front elevation on the side,  
15 including an element to the front entry which extends  
16 approximately nine feet into the required front yard.

17 CHAIRMAN WALCH: And that's of the drawing  
18 site plan showing it bulging out sort of.

19 MR. GARTENBERG: I'm sorry. I didn't hear  
20 you.

21 CHAIRMAN WALCH: It looks like on the  
22 drawing that this area in here -- do you need to look  
23 at it closer?

24 MR. GARTENBERG: I will come around. Here  
25 is the drawing right here. It would be this element

1 over the front door.  
2 CHAIRMAN WALCH: Right. And is that a  
3 violation of the ordinance because it has got tiles?  
4 MR. GARTENBERG: Well, correct. If that  
5 portion was cantilevered out, we would consider it to  
6 still be placed at this line.  
7 CHAIRMAN WALCH: Thank you. Now, I will  
8 put in the exhibits to go with this appeal. First is  
9 Exhibit B, which is the public notice of this hearing.  
10 The next is the denial letter from Mr. Gartenberg,  
11 dated May 6th, 2013, and that's Exhibit C. Exhibit D  
12 is the list of the residents to whom the notice of  
13 public hearing was mailed.  
14 The appellant's letter requesting a  
15 variance, was dated May 9th, 2013. And any other  
16 letters of support or opposition to the request that  
17 were received here at the City of Ladue, will be  
18 marked as Exhibit E. Are there any other letters,  
19 Mr. Wooldridge?  
20 MR. WOOLDRIDGE: No, there is not.  
21 CHAIRMAN WALCH: Thank you. Finally, the  
22 entire file pertaining to the application, including  
23 any memorandum of the staff and consultants of the  
24 Zoning Board of Adjustment from the City of Ladue,  
25 will be marked as Exhibit F.

5

1 And I believe with that -- formalities out  
2 of the way, if the appellant would come forward and be  
3 sworn.  
4 (At this time the participants were sworn  
5 in by the court reporter.)  
6 MR. KING: Mr. Chairman and members of the  
7 board, again, my name is John king. I'm an attorney.  
8 I'm here this evening representing the Glen Alspaugh  
9 building that's located over on Clayton Road. This  
10 building was built in the early 1950s, and at that  
11 time, it had the same frontage, the same situation  
12 there in the 50's.  
13 With me is Tom Alspaugh, Senior, who is the  
14 owner of the company, and David Pape, who is the  
15 architect. Really there is another violation that  
16 exists here today. This building today is over the  
17 building line slightly. So it is over -- we have to  
18 have a variance no matter what we were putting out  
19 there today, because there is a violation today.  
20 And that violation was caused because if  
21 you will note on the exhibit up here -- if you will  
22 note on this exhibit right here, this is Clayton Road.  
23 And this is the right-of-way dedication right along  
24 here. At one time, there was another ten feet that  
25 belonged to the people that owned this building. And

6

1 the highway department condemned it, or in some way  
2 worked out and took the additional ten feet of the  
3 right of way, which then put the building in violation  
4 of the setback. That, or the City let them do it back  
5 at that time. I don't think that happened.  
6 I think what happened was, what you see in  
7 a lot of instances on major roadways in St. Louis, the  
8 highway department comes in and takes a dedicated  
9 right-of-way, and then your building becomes in  
10 violation.  
11 So I will let Mr. Pape, who is the  
12 architect, explain the changes that they would like to  
13 make and the portico, I guess you could call it, that  
14 is located here in front. David?  
15 MR. GARTENBERG: Before you do that,  
16 Mr. Chairman, can I offer a little information  
17 concerning that?  
18 CHAIRMAN WALCH: Certainly.  
19 MR. GARTENBERG: The application -- the  
20 review of the application will only address changed  
21 conditions. They are certainly in compliance with  
22 current zoning standards that exist on this property.  
23 Mr. King has mentioned the setbacks, which is true,  
24 the parking configuration is not necessarily in  
25 accordance with our standards. We are reviewing the

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1 proposed changes to the property and the increased  
2 degree of nonconformity, not to identify existing  
3 conditions which will not change.  
4 I just want to be sure that the board is  
5 aware of the fact that we are not saying it at all.  
6 All their aspects of the property are in conformity.  
7 Our focus is on the proposed project and the increased  
8 nonconformities which will result from that.  
9 CHAIRMAN WALCH: Well, I think that's  
10 understood by the board, and I think that's true in  
11 most every case we are dealing with nonconformity  
12 issues.  
13 MR. KING: I agree with that.  
14 CHAIRMAN WALCH: Thank you for that too.  
15 All right.  
16 Mr. Pape, would you please proceed.  
17 MR. PAPE: What is the little difference in  
18 distance you are talking about, Mr. King, when you say  
19 there is a little discrepancy? Because I looked at  
20 this, 39 foot, 10 -- 39 foot, 10 and three-quarter  
21 inches for a 40-foot setback. Is that what you are  
22 talking about?  
23 MR. KING: That's what I was talking about.  
24 MR. GOEBEL: Is there something else?  
25 MR. KING: It's just that when David came

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1 to see me, he said the building is over the building  
2 line.  
3 MR. GOEBEL: It's just that bit.  
4 MR. PAPE: It's not straight across. It's  
three inches on one side, and an inch or so on the  
6 other side.  
7 CHAIRMAN WALCH: We are not concerned with  
8 that.  
9 MR. KING: I just wanted to let you know  
10 that that was there.  
11 MR. PAPE: That was right at the building  
12 line, that's the face of the building. The overhang  
13 that is existing right now is four feet over that  
14 line. That in there creates a problem. My job was to  
15 find a new facade, a new image for this building, to  
16 get the 1950ish feeling out of the building and to  
17 bring it a little more up-to-date. At the time, we  
18 were already planning on doing a new roof system  
19 because of the hail damage. It's a metal roof. So we  
20 were thinking about using a slate roof. We were  
21 trying to do a softer image. We looked at many  
22 different options, end gables and all kinds of things.  
23 The idea was, every building along here has a  
24 colonnade of some sort that kind of draws you in. If  
25 you put columns on that, it virtually would be about

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three feet wide, and so it's kind of built pretty  
2 strange. It's not really a welcoming entrance or a  
3 walkway of any sort.  
4 So what we decided to do was put all of our  
5 eggs in one basket. Instead of trying to get an  
6 additional building, we thought, why not go for one  
7 entrance, one covered entrance in one spot. And in  
8 doing so, trying to create a new image for that, as  
9 well as a way to create more three-dimensional. You  
10 can drive right past this building and never notice  
11 it. With this big, huge sign up here it's not enough.  
12 You can miss it quite a bit. One reason why, it's set  
13 back further than most buildings.  
14 Schnarr's Hardware, right here, comes out  
15 another 13 feet past the building. So it kind of  
16 blocks you. So that's what we are trying to do. We  
17 tried to find a way to come out with a new entrance  
18 that would be inviting and be the minimal amount of  
19 what we would do and create it without coming out too  
20 far, not interrupting the parking. That's where we  
21 end up with nine feet off the building, which is  
virtually about five feet further than the overhang.  
23 If you look at the other buildings in the  
24 line, Schnarr's is still coming way out past us, about  
25 four feet. If you go all the way down to the barber

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1 shop, the barber shop comes out even further. And as  
2 you go up Ladue Road -- Clayton Road -- there is still  
3 quite a few. All the shopping centers have colonnade  
4 that come out as well. It's kind of like we are this  
5 recessed area that sits back and just kind of becomes  
6 complacent, and you drive right past it.  
7 But the attempt to do this to try to find  
8 any solution, anything was going to take a variance;  
9 this overhang or this roof of some sort, which is  
10 already encroaching this development.  
11 CHAIRMAN WALCH: Is it two buildings or  
12 one?  
13 MR. PAPE: There is one -- there is really  
14 two buildings. This starts right here with the dress  
15 shops. But this is the Glen Alsbaugh building from  
16 here to here owned by the same person. So the roof is  
17 being changed, somewhat married together. No changes  
18 other than a new roof on the other.  
19 MR. GOEBEL: Are you re-cladding the  
20 existing frame of the overhang on the roof that we see  
21 on that elevation, or are you reframing it?  
22 MR. PAPE: This is just taking the metal  
23 roof off and putting a composite slate roof. No  
24 structural changes.  
25 MR. SHILLINGTON: What's the possibility of

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1 having it cantilevered and not having the columns?  
2 MR. PAPE: I wouldn't get underneath it. I  
3 don't think it would look very appealing at all. It  
4 would be virtually a 10-foot cantilever, which at that  
5 height -- if you were up higher, yeah, I could see  
6 doing that. But there is just not enough of anything  
7 up here to make it aesthetic, and physically, I think  
8 it would be really tough.  
9 MR. GOEBEL: I notice by doing that, you  
10 are pulling those middle three cars back, what, five  
11 feet?  
12 MR. PAPE: That's correct.  
13 MR. GOEBEL: I'm a little concerned when  
14 you do that, you have got 190 feet, or maybe 210 feet,  
15 of curb cut directly onto Clayton Road. And there is  
16 no in; there is no out; there is no traffic control  
17 where anybody is backing up, much like some of the  
18 other properties. Is there any thought to improving  
19 that situation? Because when you pull the parking  
20 back five feet like that and just three cars, it has  
21 to hurt some visibility for parking.  
22 I guess I'm a little concerned about  
23 whether any thought has been given to your making --  
24 what looks like you are making a pretty substantive  
25 improvement to the building. I wonder if cleaning up

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1 the entrance there to Clayton Road would be important.  
2 And the fact that you are pulling it back five feet,  
3 seems to me to aggravate that situation, in terms of  
4 traffic coming off of Clayton Road from the property  
and traffic going back onto there. Has that been  
6 discussed at all?

7 MR. PAPE: Yes. We did look at what we  
8 could do with the parking itself. The reality, we  
9 have one of the deeper parking lots anywhere along  
10 here.

11 MR. GOEBEL: Exactly.

12 MR. PAPE: So we have more room to pull  
13 back and pull out of each with what we are doing. I  
14 would, architecturally, love to see a strip of green  
15 through here. Which was part of the city  
16 proposition -- you might know. Was it 20 years ago,  
17 something like, that they tried to propose doing a  
18 green strip along this? It was brought with a lot of  
19 opposition, because this -- this is a big parking  
20 lot -- semis turn around. And it's the only place on  
21 Clayton where they can do it.

22 MR. GOEBEL: Do you want them to do that?

23 MR. PAPE: Well, actually, it kind of helps  
24 Glen Alspaugh too, because they do have large trucks,  
25 not semis. But getting in this alley to get behind

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the buildings, it's pretty difficult even for a small  
2 truck to make that turn through here.

3 MR. GOEBEL: I was a little confused by  
4 that. I see a 25-foot street and 20 vacated alleys  
5 with a planter right in the middle. How is that  
6 supposed to work?

7 MR. PAPE: That's part of the other  
8 property. It's just from a legal survey, they pulled  
9 that out. That happened years ago.

10 MR. GOEBEL: So the street is --

11 MR. PAPE: The street is right there.

12 MR. WOOLDRIDGE: That alley goes back to  
13 LaBarge property.

14 MR. GOEBEL: But it all looks like one  
15 street?

16 MR. PAPE: Yes. That's correct.

17 MR. GOEBEL: Are the owners concerned about  
18 this at all?

19 MR. PAPE: The owners are in favor of  
20 keeping it.

21 MR. GOEBEL: Could we ask them to comment  
about that?

23 (Whereupon Mr. Bourgeois was duly sworn.)

24 MR. GOEBEL: I guess the question was  
25 having to do with the traffic with pulling those

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1 parking spaces back a few feet, but we have a 210-foot  
2 curb cut for our retail property that clearly doesn't  
3 need 210 feet of curb cut. But there again, I'm  
4 wondering whether that's a concern for you, you care  
5 about that, because it's a challenge up and down  
6 Clayton Road. And Mr. Pape just said it. Your  
7 property has the greatest depth of all of these. And  
8 so if it is possible, it would be your property that  
9 would be most likely to benefit from some more  
10 effective traffic control or ingress/egress, and I was  
11 wondering if that was a concern for you.

12 MR. BOURGEOIS: As David mentioned, we do  
13 have a concern with being able to get trucks in and  
14 out. We don't -- you know, we have some  
15 tractor-trailer deliveries that go into that back  
16 parking lot.

17 MR. GOEBEL: In the back of your building?

18 MR. BOURGEOIS: Yes. One of the big  
19 things, though, is Schnarr's Hardware, they have a  
20 dock that's located on the west side of the building.  
21 All of their trucks need to actually pull onto our  
22 parking lot in order to back up to the dock.

23 MR. GOEBEL: What about the curb cut?

24 MR. BOURGEOIS: I'm not sure I understand.

25 MR. GOEBEL: Commercial driveway entrances,

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1 what -- maybe you have to help me here -- 30 feet or  
2 40 feet or 20 feet? What is the commercial entrance  
3 for roadways?

4 MR. GARTENBERG: 30, 36 feet, something  
5 like that.

6 MR. KING: 32.

7 MR. GOEBEL: Generally, that's considered  
8 wide enough to accomplish the type of thing that you  
9 are talking about, along with the traffic study to  
10 figure out -- I mean, generally, we don't just keep  
11 making parking lots bigger and bigger. We try to  
12 figure out which way traffic comes in and goes out, so  
13 it's not just for semis to use, but people pulling off  
14 Clayton Road know where to anticipate people coming  
15 into the property.

16 MR. PAPE: May I point out here is the curb  
17 way out here. This is not their property.

18 MR. GOEBEL: I understand that.

19 MR. PAPE: No control over it.

20 MR. GOEBEL: But if you weren't using  
21 that -- you may not have control of it. If you  
22 weren't using that to back up, you couldn't even back  
23 your car out of those sparking spaces. We are just  
24 talking about what makes it safe here. And you are  
25 asking for a five-foot impairment of that. You are

16

1 saying you are going to reduce that by five more feet.  
2 So why would that --  
3 MR. PAPE: No. This is an easement. We  
4 can drive on that easement. We can't physically  
change that easement. Okay. I can't go in there with  
6 a jackhammer and take that curb out and build it up.  
7 I can't do that.  
8 MR. GOEBEL: But you are asking us to let  
9 you back into it five more feet. To repeat it by five  
10 more feet, right? That's the variance.  
11 MR. PAPE: Everybody does right now. It's  
12 a curb cut.  
13 MR. GOEBEL: We are going to make a  
14 difficult situation worse, is my point.  
15 MR. KING: Let me ask you, could it be that  
16 if you had a curb cut at either end, would that be  
17 what you are driving at?  
18 MR. GOEBEL: That could be exactly the  
19 solution, John. You know, you would have to get  
20 somebody that is going to look at the traffic to  
21 figure out how to accomplish that. I'm not opposed to  
22 the canopy. I like the canopy. It's great. It's  
23 wonderful we are doing improvements. That's a super  
24 thing. I just don't want to aggravate a difficult  
25 situation.

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MR. BOURGEOIS: I think really the only  
2 area that really becomes an issue when you start  
3 talking about that, is just right basically at this  
4 corner.  
5 MR. PAPE: Right here.  
6 MR. BOURGEOIS: Okay. Now this is --  
7 Schnarr's is here and they have --  
8 MR. PAPE: Do you mean tree?  
9 MR. BOURGEOIS: Okay. The little tree  
10 island would be right here. So the main concern would  
11 be this area right here. That's the main concern.  
12 That's where the trucks actually, you know, come in  
13 and go out. And even with Schnarr's Hardware, with  
14 their little dock that they have located here, their  
15 trucks pull in right here, and they back up to the  
16 dock.  
17 MR. GOEBEL: I know. I know just what you  
18 mean. Like you say, it's from the 1950s. Traffic  
19 wasn't what it is today. Like I say, I like the  
20 canopy. I like the idea of that. It's great that you  
21 are going to that trouble to do it. Thank you very  
much. If you can figure out some way to improve that  
23 parking safety -- you know, to have 190 feet of open  
24 frontage on Clayton Road, is just -- again, it might  
25 have been just fine in the 60s or 50s, but we are in

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1 2013 now. It's time to address that as part of an  
2 overall improvement along that front. I wouldn't be  
3 averse to a variance to improve that if you can see  
4 your way clear to find your way to address that  
5 frontage so we don't make it more unsafe, you know,  
6 than having uncontrolled access. Thank you very much.  
7 You answered my question.  
8 CHAIRMAN WALCH: Mr. King, do you want to  
9 say something?  
10 MR. KING: No. I want to give you this  
11 letter as two people in favor.  
12 CHAIRMAN WALCH: Do you want this marked as  
13 an exhibit?  
14 MR. KING: Yes, please.  
15 CHAIRMAN WALCH: I think it's G.  
16 Any other member of the board have any  
17 questions of the appellant?  
18 Hearing none, I will ask if any member of  
19 the audience wishes to speak to this application for a  
20 variance.  
21 Hearing none, unless some member of the  
22 board objects, I will declare the public comment  
23 portion of this meeting closed, and we will go into  
24 session and try to arrive at a decision.  
25 MS. FORSHAW: The letter of support is

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1 from?  
2 COURT REPORTER: Schnarr's.  
3 MR. SCHLAFLY: I have a question. Was  
4 there some consideration to changing the sign? There  
5 is a beautiful facade and a rather old dreary-looking,  
6 laminate plastic, partly rusting sign.  
7 MR. PAPE: We plan on redoing the sign. We  
8 would like to end up with a low-key sign down here.  
9 But at this point, until we are sure that we can do  
10 what we want to do, we don't want to get rid of that  
11 sign. Otherwise, we are out of luck.  
12 MR. KING: We get rid of the sign for the  
13 variance?  
14 MR. SCHLAFLY: No, placement. I understand  
15 your need for a sign.  
16 MR. PAPE: It's grandfathered in. There is  
17 no way we could ever get a sign that big. Not that we  
18 would ever want it.  
19 CHAIRMAN WALCH: Is it bigger than the  
20 present ordinance allows?  
21 MR. PAPE: I think every letter is. I  
22 think it's as wide.  
23 MR. SCHLAFLY: There you go.  
24 MR. GOEBEL: At least it's all caps.  
25 CHAIRMAN WALCH: Any other discussion by

20



1 the members of the board on this application?

2 MR. SCHLAFLY: I just -- the fascia of this

3 building is very flat and very unappealing along the

4 drive in Ladue. And this improvement, from what

5 little I understand, with the elevation I have seen,

6 appears to give a much better appearance in depth and

7 detail to Clayton Road and more reflective of the

8 retail center across the street. And if they could

9 have gone further with it, I would find support with

10 that, but I think it makes a vast improvement to the

11 building stock on Clayton Road on the south side.

12 MR. SHILLINGTON: I think it's very

13 admirable they are making this change. What Fred is

14 saying, it doesn't appear to be that a safety issue is

15 all that great.

16 MS. FORSHAW: I think I agree with what

17 John just said. Having heard the concerns about the

18 trucks, we have got two longtime, sort of, local

19 retail landmarks right next-door to each other here,

20 Glen Alspaugh and Schnarr's. And they do seem to need

21 the truck-turning capability. And the Glen Alspaugh

22 building is an old 1950s look, which would really

23 benefit from an attractive face-lift. The whole

24 community would benefit from that improvement.

25 It is a very wide parking lot. I'm

21

sympathetic to the undesirability of pushing three

2 parking spaces farther towards Clayton Road, but it is

3 still a pretty wide parking lot. I guess I'm not

4 convinced that the public safety would be materially

5 impaired by that change.

6 MR. SCHLAFLY: I would like to add one

7 point to that. They raised the question -- and I

8 don't know the answer to that -- as to whether the

9 control function of being able to improve curb cuts,

10 traffic control, and changing that parking is more

11 between the City of Ladue and maybe -- I don't know.

12 MR. GOEBEL: I'm sure they would have to

13 get a permit from the county highway department to do

14 any improvements.

15 MR. SCHLAFLY: That would be a control

16 function.

17 MR. GOEBEL: Sure. Yeah.

18 MR. SCHLAFLY: Which may be more of a

19 larger overview of the entire south.

20 MR. GOEBEL: Yeah.

21 MR. SCHLAFLY: It is truly an experience in

22 getting out of Schnarr's on Saturday between 9:00 and

23 11:00. And really is --

24 MR. GOEBEL: Yeah. I mean, you are blind.

25 CHAIRMAN WALCH: I have been doing it for

22

1 50 years, David.

2 MR. GOEBEL: You are blind backing up. It

3 may seem like there is a lot of room right now, but

4 it's because there is no visual barriers to show you

5 where you are compared to the concrete swale that's

6 down in the ground. Baking up out of those spaces may

7 be fine for you and me and someone who is able-bodied.

8 But someone who is not completely visible or who is

9 older or drives a very large car, that's the thing.

10 I know that during the course of

11 discussions with the City -- here in the last year or

12 two, there were discussions about what Clayton Road's

13 character is and the ability to get people to park

14 there. But, you know, I mean, in this case, the

15 applicant is asking us for a variance where a permit

16 has already been denied. Unless we get some

17 understanding about how these --

18 CHAIRMAN WALCH: Been denied.

19 MR. GOEBEL: A building permit was denied.

20 CHAIRMAN WALCH: Sure. It clearly needs a

21 variance.

22 MR. GOEBEL: Well, I'm sure they don't want

23 to lose any parking either, so I understand that. But

24 it doesn't seem to me unreasonable to combine changes

25 to their parking lot with changes to their parking.

23

1 So, I mean, I don't see that that's inconsistent.

2 I don't know if it's one driveway, two

3 driveways. But between Schnarr's and this building,

4 it seems like they could get together and decide how

5 much clearance they really need to get the curbs

6 turned around. It seems like that one island that is

7 there is stuck in the worst spot you could put it, so

8 maybe that could go away in favor of something that

9 works quite well.

10 MR. PAPE: It's actually on the other side.

11 MR. GOEBEL: This is?

12 MR. PAPE: That's just a form.

13 CHAIRMAN WALCH: It's not --

14 MR. PAPE: It's an island of trees there.

15 MR. GOEBEL: Is there one there, though?

16 MR. PAPE: No. That's just the corner of a

17 tree.

18 MR. GOEBEL: Okay. Well, I'm confused. I

19 guess, typically, when I think of curbs, I think of

20 something that goes in the roadway and something comes

21 out. If this is 25 plus 20, it's 45; right?

22 MR. PAPE: Right. It's not an island.

23 There is nothing there physically.

24 MR. GOEBEL: This isn't here?

25 MR. PAPE: Continuous curb cut.

24

1 MR. GOEBEL: This isn't here? It's over  
2 here?  
3 MR. PAPE: It's a swale they have in the  
4 road.  
5 MR. BOURGEOIS: It's actually located  
6 right -- like with this building, Schnarr's Hardware.  
7 Is this the dock?  
8 MR. PAPE: The dock comes right here.  
9 MR. BOURGEOIS: The swale is here.  
10 MR. GOEBEL: So that's not located in the  
11 right location?  
12 MR. PAPE: It's in the right location. The  
13 survey doesn't take into account the dock.  
14 MR. BOURGEOIS: I think I understand your  
15 question. This appears to be a tree here with a curb.  
16 MR. GOEBEL: Yeah.  
17 MR. BOURGEOIS: It's really not here.  
18 MR. GOEBEL: My point is, it's a 45-foot  
19 paved property; right? It seems like you guys could  
20 get together to figure out how to use that effectively  
21 to get trucks to turn most efficiently without  
22 affecting what happens in front of that lot. To have  
23 160 foot of open -- 190 feet, whatever it is, it's  
24 just unreasonable. If you want a variance, it seems  
25 like it's not exceptional to ask that some things be

25

taken out of the front there and that's fine.  
2 CHAIRMAN WALCH: Fred, it strikes me  
3 whether we have the power to condition a variance on  
4 whether the highway department doing something or  
5 whoever else might have jurisdiction. I would think  
6 the only thing we could do with that parking situation  
7 legally is -- within our jurisdiction, is just say  
8 they couldn't use the two spaces, which stick out more  
9 than five feet, or five feet further back. But I  
10 don't think we --  
11 MR. GOEBEL: I agree. No matter what we  
12 do, we are never conditioning it on either getting a  
13 sign permit or not getting a highway department or not  
14 getting a building code. But in term of what the  
15 applicant comes in and asks for, you know, that can be  
16 conditioned in any manner that we think is reasonable  
17 that is applicable to the subject at hand. So I  
18 understand what you are saying. It is no guarantee  
19 that they could get a curb cut or one or two or 20  
20 foot, 40 foot, whatever it happens to be.  
21 CHAIRMAN WALCH: So any further discussion  
22 by the board? If not, someone want to make a motion  
23 on this matter?  
24 MR. SCHLAFLY: Mr. Chairman, I will. I  
25 move the following: On the basis of the evidence

26

1 presented, I find that practical difficulties exist  
2 and that the decision on the building official is  
3 reversed and the variance is granted, as requested on  
4 the site plan dated May 9th, 2013. I do not have a  
5 condition to it.  
6 MS. FORSHAW: Maybe we should consider a  
7 condition to require those three parking spaces that  
8 are being moved out to be for compact cars only? What  
9 do you all think of that?  
10 CHAIRMAN WALCH: Are you asking that  
11 question of David?  
12 MR. SCHLAFLY: I think that's a good idea.  
13 Something that would reduce the intensity of the use.  
14 MR. GOEBEL: You know, I could probably  
15 turn mine around in the size of one of these parking  
16 spaces. I have demonstrated that to my wife, by the  
17 way, turn around in the driveway.  
18 MS. FORSHAW: Is that something that would  
19 work for you all?  
20 MR. BOURGEOIS: Yes. That would be fine.  
21 MR. SCHLAFLY: Yes, I would.  
22 CHAIRMAN WALCH: Do you accept  
23 Ms. Forshaw's --  
24 MR. SCHLAFLY: I do.  
25 CHAIRMAN WALCH: Let's restate the motion

27

1 as amended. Do you want to do it, David or Liza?  
2 MR. SCHLAFLY: So on the basis of the  
3 evidence presented, we find that practical  
4 difficulties exist, and the decision on the building  
5 official is reversed and the variance is granted, as  
6 requested on the site plan dated May 9th, 2013, with  
7 the following condition: That the three parking  
8 spaces immediately in front of the portico, will be  
9 designated for compact cars only.  
10 MS. FORSHAW: Second.  
11 CHAIRMAN WALCH: That motion has been made  
12 and seconded. Any further discussion?  
13 Hearing none, now how do you vote,  
14 Mr. Goebel?  
15 MR. GOEBEL: Aye.  
16 MS. FORSHAW: Yes.  
17 CHAIRMAN WALCH: In favor.  
18 MR. SCHLAFLY: In favor.  
19 MR. SHILLINGTON: In favor.  
20 CHAIRMAN WALCH: All right. You have a  
21 portico. You better get a nice looking compact car  
22 sign.  
23 (Hearing concluded 5:32 p.m.)  
24  
25

28

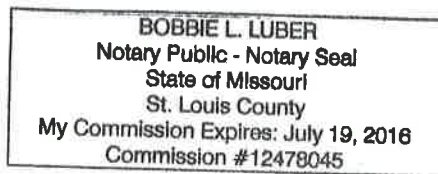
CERTIFICATE OF REPORTER

I, Bobbie L. Lubber, Registered Professional  
Reporter, Certified Court Reporter, and Notary Public  
within and for the State of Missouri, do hereby  
certify that the meeting aforementioned was held on  
the time and in the place previously described.

IN WITNESS WHEREOF, I have hereunto set my hand  
and seal.



Bobbie L. Lubber, RPR, CCR #621



| #                                                                                                                                                                                                                                                                           | 5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          | C                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                 |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| #084.004673 [1] - 3:21<br>#621 [2] - 3:20, 29:15<br>#9209 [1] - 3:20                                                                                                                                                                                                        | 50 [1] - 23:1<br>50's [1] - 6:12<br>50s [1] - 18:25<br>5:32 [1] - 28:23                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   | alley [2] - 13:25, 14:12<br>alleys [1] - 14:4<br>allows [1] - 20:20<br>Alspaugh [7] - 4:5, 6:8, 6:13, 11:15, 13:24, 21:20, 21:21<br>ALSPAUGH [2] - 1:12, 2:10<br>amended [1] - 28:1<br>amount [1] - 10:18<br>answer [1] - 22:8<br>answered [1] - 19:7<br>anticipate [1] - 16:14<br>appeal [1] - 5:8<br>appealing [1] - 12:3<br>appear [1] - 21:14<br>appearance [1] - 21:6<br>appellant [2] - 6:2, 19:17<br>Appellant [1] - 3:14<br>appellant's [1] - 5:14<br>applicable [1] - 26:17<br>applicant [2] - 23:15, 26:15<br>application [5] - 5:22, 7:19, 7:20, 19:19, 21:1<br>architect [2] - 6:15, 7:12<br>architecturally [1] - 13:14<br>area [4] - 4:22, 11:5, 18:2, 18:11<br>arrive [1] - 19:24<br>aspects [1] - 8:6<br>attempt [1] - 11:7<br>Attorney [1] - 3:14<br>attorney [1] - 6:7<br>attractive [1] - 21:23<br>audience [1] - 19:19<br>averse [1] - 19:3<br>aware [1] - 8:5<br>Aye [1] - 28:15 | becomes [3] - 7:9, 11:5, 18:2<br>behind [1] - 13:25<br>belonged [1] - 6:25<br>benefit [3] - 15:9, 21:23, 21:24<br>better [2] - 21:6, 28:21<br>between [3] - 22:11, 22:22, 24:3<br>big [4] - 10:11, 13:19, 15:18, 20:17<br>bigger [3] - 16:11, 20:19<br>bit [2] - 9:3, 10:12<br>blind [2] - 22:24, 23:2<br>blocks [1] - 10:16<br>board [8] - 4:12, 6:7, 8:4, 8:10, 19:16, 19:22, 21:1, 26:22<br>BOARD [2] - 1:3, 2:1<br>Board [3] - 2:16, 4:1, 5:24<br>BOBBIE [1] - 1:20<br>Bobbie [5] - 2:20, 3:19, 3:21, 29:4, 29:15<br>bodied [1] - 23:7<br>Bourgeois [2] - 3:16, 14:23<br>BOURGEOIS [11] - 15:12, 15:18, 15:24, 18:1, 18:6, 18:9, 25:5, 25:9, 25:14, 25:17, 27:20<br>Box [2] - 1:21, 3:22<br>bring [1] - 9:17<br>brought [1] - 13:18<br>build [1] - 17:6<br>building [31] - 6:9, 6:10, 6:16, 6:17, 6:25, 7:3, 7:9, 9:1, 9:11, 9:12, 9:15, 9:16, 9:23, 10:6, 10:10, 10:15, 10:21, 11:15, 12:25, 15:17, 15:20, 21:3, 21:11, 21:22, 23:19, 24:3, 25:6, 26:14, 27:2, 28:4<br>Building [2] - 3:12, 4:7<br>buildings [5] - 10:13, 10:23, 11:11, 11:14, 14:1<br>built [2] - 6:10, 10:1<br>bulging [1] - 4:18 | canopy [3] - 17:22, 18:20<br>cantilever [1] - 12:4<br>cantilevered [2] - 5:5, 12:1<br>capability [1] - 21:21<br>caps [1] - 20:24<br>car [3] - 16:23, 23:9, 28:21<br>care [1] - 15:4<br>cars [4] - 12:10, 12:20, 27:8, 28:9<br>case [3] - 4:4, 8:11, 23:14<br>caused [1] - 6:20<br>CCR [2] - 3:20, 29:15<br>center [1] - 21:8<br>centers [1] - 11:3<br>certainly [2] - 7:18, 7:21<br>CERTIFICATE [1] - 29:1<br>Certified [2] - 2:20, 29:5<br>certify [1] - 29:7<br>chairman [3] - 6:6, 7:16, 26:24<br>Chairman [1] - 3:4<br>CHAIRMAN [28] - 4:4, 4:17, 4:21, 5:2, 5:7, 5:21, 7:18, 8:9, 8:14, 9:7, 11:11, 19:8, 19:12, 19:15, 20:19, 20:25, 22:25, 23:18, 23:20, 24:13, 26:2, 26:21, 27:10, 27:22, 27:25, 28:11, 28:17, 28:20<br>challenge [1] - 15:5<br>change [4] - 8:3, 17:5, 21:13, 22:5<br>changed [2] - 7:20, 11:17<br>changes [6] - 7:12, 8:1, 11:17, 11:24, 23:24, 23:25<br>changing [2] - 20:4, 22:10<br>character [1] - 23:13<br>city [1] - 13:15<br>CITY [2] - 1:4, 2:2<br>City [10] - 2:17, 2:18, 3:11, 4:2, 5:17, 5:24, 7:4, 22:11, 23:11<br>cladding [1] - 11:19<br>CLAYTON [2] - 1:13, 2:11<br>Clayton [16] - 2:18, |
| 1                                                                                                                                                                                                                                                                           | 6                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 1)(a [1] - 4:9<br>10 [2] - 8:20<br>10-foot [1] - 12:4<br>1015 [1] - 1:21<br>1141 [3] - 1:12, 2:10, 4:5<br>1175 [1] - 4:9<br>11:00 [1] - 22:23<br>13 [1] - 10:15<br>160 [1] - 25:23<br>190 [3] - 12:14, 18:23, 25:23<br>1950ish [1] - 9:16<br>1950s [3] - 6:10, 18:18, 21:22 | 60s [1] - 18:25<br>63124 [3] - 1:14, 2:12, 2:19<br>63131 [2] - 1:21, 3:22<br>6th [1] - 5:11                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 2                                                                                                                                                                                                                                                                           | 9                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 20 [5] - 13:16, 14:4, 16:2, 24:21, 26:19<br>2013 [7] - 1:16, 2:16, 5:11, 5:15, 19:1, 27:4, 28:6<br>210 [2] - 12:14, 15:3<br>210-foot [1] - 15:1<br>25 [1] - 24:21<br>25-foot [1] - 14:4                                                                                     | 9345 [1] - 2:18<br>9808 [3] - 1:13, 2:11, 4:5<br>993-0911 [1] - 3:23<br>9:00 [1] - 22:22<br>9th [3] - 5:15, 27:4, 28:6                                                                                                                                                                                                                                                                                                                                                                                                                                                                    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3                                                                                                                                                                                                                                                                           | A                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 3 [1] - 1:16<br>30 [2] - 16:1, 16:4<br>31201 [2] - 1:21, 3:22<br>314 [1] - 3:23<br>314.993.0911 [1] - 1:22<br>32 [1] - 16:6<br>36 [1] - 16:4<br>39 [2] - 8:20<br>3rd [1] - 2:15                                                                                             | ability [1] - 23:13<br>able [3] - 15:13, 22:9, 23:7<br>able-bodied [1] - 23:7<br>above-entitled [1] - 2:19<br>accept [1] - 27:22<br>access [1] - 19:6<br>accomplish [2] - 16:8, 17:21<br>accordance [1] - 7:25<br>account [1] - 25:13<br>add [1] - 22:6<br>additional [2] - 7:2, 10:6<br>address [3] - 7:20, 19:1, 19:4<br>ADJUSTMENT [2] - 1:3, 2:1<br>Adjustment [3] - 2:17, 4:2, 5:24<br>admirable [1] - 21:13<br>aesthetic [1] - 12:7<br>affecting [1] - 25:22<br>aforementioned [1] - 29:7<br>aggravate [2] - 13:3, 17:24<br>ago [2] - 13:16, 14:9<br>agree [3] - 8:13, 21:16, 26:11 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 4                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | B                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |
| 40 [2] - 16:2, 26:20<br>40-foot [1] - 8:21<br>45 [1] - 24:21<br>45-foot [1] - 25:18<br>4:00 [1] - 4:3                                                                                                                                                                       |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                           | backing [2] - 12:17, 23:2<br>baking [1] - 23:6<br>barber [2] - 10:25, 11:1<br>barriers [1] - 23:4<br>basis [2] - 26:25, 28:2<br>basket [1] - 10:5<br>BE [1] - 2:15<br>beautiful [1] - 20:5                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                   |

4:6, 6:9, 6:22, 11:2,  
12:15, 13:1, 13:4,  
13:21, 15:6, 16:14,  
18:24, 21:7, 21:11,  
22:2, 23:12  
**cleaning** [1] - 12:25  
**clear** [1] - 19:4  
**clearance** [1] - 24:5  
**clearly** [2] - 15:2,  
23:20  
**Clerk** [1] - 3:11  
**closed** [1] - 19:23  
**closer** [1] - 4:23  
**code** [1] - 26:14  
**colonnade** [2] - 9:24,  
11:3  
**columns** [2] - 9:25,  
12:1  
**combine** [1] - 23:24  
**coming** [4] - 10:19,  
10:24, 13:4, 16:14  
**comment** [2] - 14:21,  
19:22  
**commercial** [2] -  
15:25, 16:2  
**Commissioner** [1] -  
4:7  
**community** [1] -  
21:24  
**compact** [3] - 27:8,  
28:9, 28:21  
**company** [1] - 6:14  
**Company** [1] - 4:5  
**COMPANY** [2] - 1:12,  
2:10  
**compared** [1] - 23:5  
**complacent** [1] -  
11:6  
**completely** [1] - 23:8  
**compliance** [1] -  
7:21  
**composite** [1] -  
11:23  
**concern** [5] - 15:4,  
15:11, 15:13, 18:10,  
18:11  
**concerned** [4] - 9:7,  
12:13, 12:22, 14:17  
**concerning** [1] -  
7:17  
**concerns** [1] - 21:17  
**concluded** [1] -  
28:23  
**concrete** [1] - 23:5  
**condemned** [1] - 7:1  
**condition** [4] - 26:3,  
27:5, 27:7, 28:7  
**conditioned** [1] -  
26:16  
**conditioning** [1] -

26:12  
**conditions** [2] - 7:21,  
8:3  
**configuration** [1] -  
7:24  
**conformity** [1] - 8:6  
**confused** [2] - 14:3,  
24:18  
**consider** [2] - 5:5,  
27:6  
**consideration** [1] -  
20:4  
**considered** [1] - 16:7  
**consultants** [1] -  
5:23  
**continuous** [1] -  
24:25  
**control** [7] - 12:16,  
15:10, 16:19, 16:21,  
22:9, 22:10, 22:15  
**convinced** [1] - 22:4  
**corner** [2] - 18:4,  
24:16  
**correct** [3] - 5:4,  
12:12, 14:16  
**COUNCIL** [1] - 3:3  
**county** [1] - 22:13  
**course** [1] - 23:10  
**COURT** [1] - 20:2  
**Court** [3] - 2:20,  
3:19, 29:5  
**court** [1] - 6:5  
**covered** [1] - 10:7  
**create** [3] - 10:8,  
10:9, 10:19  
**creates** [1] - 9:14  
**CSR** [1] - 3:21  
**curb** [12] - 12:15,  
15:2, 15:3, 15:23,  
16:16, 17:6, 17:12,  
17:16, 22:9, 24:25,  
25:15, 26:19  
**curbs** [2] - 24:5,  
24:19  
**current** [1] - 7:22  
**cut** [8] - 12:15, 15:2,  
15:3, 15:23, 17:12,  
17:16, 24:25, 26:19  
**cuts** [1] - 22:9

## D

**damage** [1] - 9:19  
**date** [1] - 9:17  
**dated** [4] - 5:11,  
5:15, 27:4, 28:6  
**David** [9] - 3:7, 3:15,  
6:14, 7:14, 8:25,  
15:12, 23:1, 27:11,  
28:1

**dealing** [1] - 8:11  
**decide** [1] - 24:4  
**decided** [1] - 10:4  
**decision** [3] - 19:24,  
27:2, 28:4  
**declare** [1] - 19:22  
**declined** [1] - 4:7  
**dedicated** [1] - 7:8  
**dedication** [1] - 6:23  
**deeper** [1] - 13:9  
**degree** [1] - 8:2  
**deliveries** [1] - 15:15  
**demonstrated** [1] -  
27:16  
**denial** [1] - 5:10  
**denied** [3] - 23:16,  
23:18, 23:19  
**department** [5] - 7:1,  
7:8, 22:13, 26:4,  
26:13  
**depth** [2] - 15:7, 21:6  
**Deputy** [2] - 3:12, 4:7  
**described** [1] - 29:8  
**designated** [1] - 28:9  
**detail** [1] - 21:7  
**development** [1] -  
11:10  
**difference** [1] - 8:17  
**different** [1] - 9:22  
**difficult** [3] - 14:1,  
17:14, 17:24  
**difficulties** [2] - 27:1,  
28:4  
**dimensional** [1] -  
10:9  
**directly** [1] - 12:15  
**disapproved** [1] -  
4:11  
**discrepancy** [1] -  
8:19  
**discussed** [1] - 13:6  
**discussion** [3] -  
20:25, 26:21, 28:12  
**discussions** [2] -  
23:11, 23:12  
**distance** [1] - 8:18  
**dock** [7] - 15:20,  
15:22, 18:14, 18:16,  
25:7, 25:8, 25:13  
**Docket** [3] - 1:12,  
2:10, 4:4  
**door** [2] - 5:1, 21:19  
**down** [4] - 10:25,  
15:5, 20:8, 23:6  
**drawing** [3] - 4:17,  
4:22, 4:25  
**draws** [1] - 9:24  
**dreary** [1] - 20:5  
**dreary-looking** [1] -

20:5  
**dress** [1] - 11:14  
**drive** [4] - 10:10,  
11:6, 17:4, 21:4  
**drives** [1] - 23:9  
**driveway** [3] - 15:25,  
24:2, 27:17  
**driveways** [1] - 24:3  
**driving** [1] - 17:17  
**duly** [1] - 14:23  
**during** [1] - 23:10

## E

**early** [1] - 6:10  
**easement** [3] - 17:3,  
17:4, 17:5  
**effective** [1] - 15:10  
**effectively** [1] -  
25:20  
**efficiently** [1] - 25:21  
**eggs** [1] - 10:5  
**either** [3] - 17:16,  
23:23, 26:12  
**element** [2] - 4:15,  
4:25  
**elevation** [3] - 4:14,  
11:21, 21:5  
**encroaching** [1] -  
11:10  
**end** [4] - 9:22, 10:21,  
17:16, 20:8  
**entire** [2] - 5:22,  
22:19  
**entitled** [1] - 2:19  
**entrance** [6] - 10:2,  
10:7, 10:17, 13:1,  
16:2  
**entrances** [1] - 15:25  
**entry** [2] - 4:8, 4:15  
**evening** [1] - 6:8  
**evidence** [2] - 26:25,  
28:3  
**exactly** [2] - 13:11,  
17:18  
**exceptional** [1] -  
25:25  
**Exhibit** [5] - 5:9,  
5:11, 5:18, 5:25  
**exhibit** [3] - 6:21,  
6:22, 19:13  
**exhibits** [1] - 5:8  
**exist** [3] - 7:22, 27:1,  
28:4  
**existing** [3] - 8:2,  
9:13, 11:20  
**exists** [1] - 6:16  
**experience** [1] -  
22:21  
**explain** [2] - 4:10,

7:12  
**extends** [1] - 4:15

## F

**facade** [2] - 9:15,  
20:5  
**face** [2] - 9:12, 21:23  
**face-lift** [1] - 21:23  
**fact** [2] - 8:5, 13:2  
**far** [1] - 10:20  
**fascia** [1] - 21:2  
**favor** [6] - 14:19,  
19:11, 24:8, 28:17,  
28:18, 28:19  
**feet** [27] - 4:16, 6:24,  
7:2, 9:13, 10:1, 10:15,  
10:21, 10:22, 10:25,  
12:11, 12:14, 12:20,  
13:2, 15:1, 15:3, 16:1,  
16:2, 16:4, 17:1, 17:9,  
17:10, 18:23, 25:23,  
26:9  
**few** [2] - 11:3, 15:1  
**figure** [5] - 16:10,  
16:12, 17:21, 18:22,  
25:20  
**file** [1] - 5:22  
**finally** [1] - 5:21  
**fine** [4] - 18:25, 23:7,  
26:1, 27:20  
**first** [1] - 5:8  
**five** [10] - 10:22,  
12:10, 12:20, 13:2,  
16:25, 17:1, 17:9,  
26:9  
**five-foot** [1] - 16:25  
**flat** [1] - 21:3  
**focus** [1] - 8:7  
**following** [3] - 2:23,  
26:25, 28:7  
**foot** [6] - 8:20, 16:25,  
25:23, 26:20  
**form** [1] - 24:12  
**formalities** [1] - 6:1  
**FORSHAW** [6] -  
19:25, 21:16, 27:6,  
27:18, 28:10, 28:16  
**Forshaw** [1] - 3:6  
**Forshaw's** [1] -  
27:23  
**forward** [1] - 6:2  
**four** [2] - 9:13, 10:25  
**frame** [1] - 11:20  
**Fred** [3] - 3:5, 21:13,  
26:2  
**front** [10] - 4:8, 4:14,  
4:15, 4:16, 5:1, 7:14,  
19:2, 25:22, 26:1,  
28:8

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                     |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |                                                                                                                                                                                                                                                                                                                                                                   |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>frontage</b> [3] - 6:11, 18:24, 19:5<br><b>function</b> [2] - 22:9, 22:16                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        | <b>Hardware</b> [4] - 10:14, 15:19, 18:13, 25:6<br><b>hear</b> [1] - 4:19<br><b>heard</b> [1] - 21:17<br><b>hearing</b> [6] - 2:16, 5:9, 5:13, 19:18, 19:21, 28:13<br><b>Hearing</b> [1] - 28:23<br><b>height</b> [1] - 12:5<br><b>held</b> [2] - 2:16, 29:7<br><b>help</b> [1] - 16:1<br><b>helps</b> [1] - 13:23<br><b>hereby</b> [1] - 29:6<br><b>hereunto</b> [1] - 29:10<br><b>higher</b> [1] - 12:5<br><b>highway</b> [5] - 7:1, 7:8, 22:13, 26:4, 26:13<br><b>huge</b> [1] - 10:11<br><b>hurt</b> [1] - 12:21                                                                                                                                                                                                                                                                 | <b>instances</b> [1] - 7:7<br><b>Instead</b> [1] - 10:5<br><b>intensity</b> [1] - 27:13<br><b>interrupting</b> [1] - 10:20<br><b>inviting</b> [1] - 10:18<br><b>island</b> [4] - 18:10, 24:6, 24:14, 24:22<br><b>issue</b> [3] - 4:7, 18:2, 21:14<br><b>issues</b> [2] - 4:12, 8:12<br><b>IT</b> [1] - 2:15<br><b>itself</b> [1] - 13:8                           | <b>legally</b> [1] - 26:7<br><b>letter</b> [5] - 5:10, 5:14, 19:11, 19:25, 20:21<br><b>letters</b> [2] - 5:16, 5:18<br><b>lift</b> [1] - 21:23<br><b>likely</b> [1] - 15:9<br><b>line</b> [6] - 5:6, 6:17, 9:2, 9:12, 9:14, 10:24<br><b>list</b> [1] - 5:12<br><b>Liza</b> [2] - 3:6, 28:1<br><b>LLC</b> [2] - 1:20, 3:21<br><b>local</b> [1] - 21:18<br><b>located</b> [6] - 6:9, 7:14, 15:20, 18:14, 25:5, 25:10<br><b>location</b> [2] - 25:11, 25:12<br><b>longtime</b> [1] - 21:18<br><b>look</b> [6] - 4:22, 10:23, 12:3, 13:7, 17:20, 21:22<br><b>looked</b> [2] - 8:19, 9:21<br><b>looking</b> [2] - 20:5, 28:21<br><b>looks</b> [3] - 4:21, 12:24, 14:14<br><b>lose</b> [1] - 23:23<br><b>Louis</b> [3] - 1:21, 3:22, 7:7<br><b>love</b> [1] - 13:14<br><b>low</b> [1] - 20:8<br><b>low-key</b> [1] - 20:8<br><b>LUBER</b> [1] - 1:20<br><b>Luber</b> [5] - 2:20, 3:19, 3:21, 29:4, 29:15<br><b>luck</b> [1] - 20:11 | <b>Meeting</b> [1] - 4:1<br><b>member</b> [3] - 19:16, 19:18, 19:21<br><b>members</b> [3] - 4:11, 6:6, 21:1<br><b>MEMBERS</b> [1] - 3:3<br><b>memorandum</b> [1] - 5:23<br><b>mentioned</b> [2] - 7:23, 15:12<br><b>metal</b> [2] - 9:19, 11:22<br><b>Michael</b> [2] - 3:11, 3:12<br><b>middle</b> [2] - 12:10, 14:5<br><b>might</b> [3] - 13:16, 18:24, 26:5<br><b>mine</b> [1] - 27:15<br><b>minimal</b> [1] - 10:18<br><b>miss</b> [1] - 10:12<br><b>MISSOURI</b> [4] - 1:5, 1:14, 2:3, 2:12<br><b>Missouri</b> [5] - 2:17, 2:19, 2:22, 3:20, 29:6<br><b>MO</b> [2] - 1:21, 3:22<br><b>Monday</b> [1] - 1:16<br><b>most</b> [4] - 8:11, 10:13, 15:9, 25:21<br><b>motion</b> [3] - 26:22, 27:25, 28:11<br><b>move</b> [1] - 26:25<br><b>moved</b> [1] - 27:8<br><b>MR</b> [121] - 4:13, 4:19, 4:24, 5:4, 5:20, 6:6, 7:15, 7:19, 8:13, 8:17, 8:23, 8:24, 8:25, 9:3, 9:4, 9:9, 9:11, 11:13, 11:19, 11:22, 11:25, 12:2, 12:9, 12:12, 12:13, 13:7, 13:11, 13:12, 13:22, 13:23, 14:3, 14:7, 14:10, 14:11, 14:12, 14:14, 14:16, 14:17, 14:19, 14:21, 14:24, 15:12, 15:17, 15:18, 15:23, 15:24, 15:25, 16:4, 16:6, 16:7, 16:16, 16:18, 16:19, 16:20, 17:3, 17:8, 17:11, 17:13, 17:15, 17:18, 18:1, 18:5, 18:6, 18:8, 18:9, 18:17, 19:10, 19:14, 20:3, 20:7, 20:12, 20:14, 20:16, 20:21, 20:23, 20:24, 21:2, 21:12, 22:6, 22:12, 22:15, 22:17, 22:18, 22:20, 22:21, |
| <b>G</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>J</b>                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>gables</b> [1] - 9:22<br><b>GARTENBERG</b> [7] - 4:13, 4:19, 4:24, 5:4, 7:15, 7:19, 16:4<br><b>Gartenberg</b> [3] - 3:12, 4:10, 5:10<br><b>generally</b> [2] - 16:7, 16:10<br><b>given</b> [1] - 12:23<br><b>GLEN</b> [2] - 1:12, 2:10<br><b>Glen</b> [6] - 4:5, 6:8, 11:15, 13:24, 21:20, 21:21<br><b>GOEBEL</b> [42] - 8:24, 9:3, 11:19, 12:9, 12:13, 13:11, 13:22, 14:3, 14:10, 14:14, 14:17, 14:21, 14:24, 15:17, 15:23, 15:25, 16:7, 16:18, 16:20, 17:8, 17:13, 17:18, 18:17, 20:24, 22:12, 22:17, 22:20, 22:24, 23:2, 23:19, 23:22, 24:11, 24:15, 24:18, 24:24, 25:1, 25:10, 25:16, 25:18, 26:11, 27:14, 28:15<br><b>Goebel</b> [2] - 3:5, 28:14<br><b>grandfathered</b> [1] - 20:16<br><b>granted</b> [2] - 27:3, 28:5<br><b>great</b> [3] - 17:22, 18:20, 21:15<br><b>greatest</b> [1] - 15:7<br><b>green</b> [2] - 13:14, 13:18<br><b>ground</b> [1] - 23:6<br><b>Grupp</b> [1] - 1:21<br><b>guarantee</b> [1] - 26:18<br><b>guess</b> [5] - 7:13, 12:22, 14:24, 22:3, 24:19<br><b>guys</b> [1] - 25:19 | <b>I</b><br><b>idea</b> [3] - 9:23, 18:20, 27:12<br><b>identify</b> [1] - 8:2<br><b>Illinois</b> [1] - 3:21<br><b>image</b> [3] - 9:15, 9:21, 10:8<br><b>immediately</b> [1] - 28:8<br><b>impaired</b> [1] - 22:5<br><b>impairment</b> [1] - 16:25<br><b>important</b> [1] - 13:1<br><b>improve</b> [3] - 18:22, 19:3, 22:9<br><b>improvement</b> [5] - 12:25, 19:2, 21:4, 21:10, 21:24<br><b>improvements</b> [3] - 4:14, 17:23, 22:14<br><b>improving</b> [1] - 12:18<br><b>IN</b> [3] - 1:10, 2:8, 29:10<br><b>inch</b> [1] - 9:5<br><b>inches</b> [2] - 8:21, 9:5<br><b>including</b> [2] - 4:15, 5:22<br><b>inconsistent</b> [1] - 24:1<br><b>increased</b> [2] - 8:1, 8:7<br><b>information</b> [1] - 7:16<br><b>ingress/egress</b> [1] - 15:10<br><b>Inspector</b> [1] - 3:13 | <b>jackhammer</b> [1] - 17:6<br><b>job</b> [1] - 9:14<br><b>John</b> [5] - 3:8, 3:14, 6:7, 17:19, 21:17<br><b>June</b> [2] - 1:16, 2:16<br><b>jurisdiction</b> [2] - 26:5, 26:7                                                                                                                                                                                   | <b>K</b><br><b>keep</b> [1] - 16:10<br><b>keeping</b> [1] - 14:20<br><b>key</b> [1] - 20:8<br><b>kind</b> [6] - 9:24, 10:1, 10:15, 11:4, 11:5, 13:23<br><b>kinds</b> [1] - 9:22<br><b>KING</b> [10] - 6:6, 8:13, 8:23, 8:25, 9:9, 16:6, 17:15, 19:10, 19:14, 20:12<br><b>King</b> [1] - 3:14<br><b>king</b> [4] - 6:7, 7:23, 8:18, 19:8                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                       | <b>M</b><br><b>mailed</b> [1] - 5:13<br><b>main</b> [2] - 18:10, 18:11<br><b>major</b> [1] - 7:7<br><b>manner</b> [1] - 26:16<br><b>marked</b> [3] - 5:18, 5:25, 19:12<br><b>married</b> [1] - 11:17<br><b>materially</b> [1] - 22:4<br><b>MATTER</b> [2] - 1:10, 2:8<br><b>matter</b> [4] - 2:20, 6:18, 26:11, 26:23<br><b>mean</b> [6] - 16:10, 18:8, 18:18, 22:24, 23:14, 24:1<br><b>meeting</b> [2] - 19:23, 29:7                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                          |
| <b>H</b>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                            |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>L</b>                                                                                                                                                                                                                                                                                                                                                          |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| <b>hail</b> [1] - 9:19<br><b>Hall</b> [1] - 2:18<br><b>hand</b> [2] - 26:17, 29:10                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      | <b>LaBarge</b> [1] - 14:13<br><b>LADUE</b> [6] - 1:4, 1:5, 1:14, 2:2, 2:3, 2:12<br><b>Ladue</b> [9] - 2:17, 2:18, 4:2, 5:17, 5:24, 11:2, 21:4, 22:11<br><b>lamine</b> [1] - 20:6<br><b>landmarks</b> [1] - 21:19<br><b>large</b> [2] - 13:24, 23:9<br><b>larger</b> [1] - 22:19<br><b>last</b> [1] - 23:11<br><b>least</b> [1] - 20:24<br><b>legal</b> [1] - 14:8 |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |

22:24, 23:2, 23:19,  
23:22, 24:10, 24:11,  
24:12, 24:14, 24:15,  
24:16, 24:18, 24:22,  
24:24, 24:25, 25:1,  
25:3, 25:5, 25:8, 25:9,  
25:10, 25:12, 25:14,  
25:16, 25:17, 25:18,  
26:11, 26:24, 27:12,  
27:14, 27:20, 27:21,  
27:24, 28:2, 28:15,  
28:18, 28:19  
**MS** [6] - 19:25,  
21:16, 27:6, 27:18,  
28:10, 28:16

## N

**name** [1] - 6:7  
**necessarily** [1] -  
7:24  
**need** [6] - 4:22, 15:3,  
15:21, 20:15, 21:20,  
24:5  
**needs** [1] - 23:20  
**never** [2] - 10:10,  
26:12  
**new** [6] - 9:15, 9:18,  
10:8, 10:17, 11:18  
**next** [3] - 4:4, 5:10,  
21:19  
**next-door** [1] - 21:19  
**nice** [1] - 28:21  
**nine** [2] - 4:16, 10:21  
**NO** [1] - 1:12  
**nonconformities** [1]  
- 8:8  
**nonconformity** [2] -  
8:2, 8:11  
**none** [3] - 19:18,  
19:21, 28:13  
**Notary** [2] - 2:21,  
29:5  
**note** [2] - 6:21, 6:22  
**nothing** [1] - 24:23  
**notice** [4] - 5:9, 5:12,  
10:10, 12:9  
**Number** [1] - 4:5

## O

**objects** [1] - 19:22  
**OF** [7] - 1:3, 1:4,  
1:10, 2:1, 2:2, 2:8,  
29:1  
**offer** [1] - 7:16  
**official** [2] - 27:2,  
28:5  
**old** [2] - 20:5, 21:22  
**older** [1] - 23:9

**one** [17] - 6:24, 9:5,  
10:5, 10:6, 10:7,  
11:12, 11:13, 13:9,  
14:14, 15:18, 22:6,  
24:2, 24:6, 24:15,  
26:19, 27:15  
**One** [1] - 10:12  
**open** [2] - 18:23,  
25:23  
**opposed** [1] - 17:21  
**opposition** [2] -  
5:16, 13:19  
**options** [1] - 9:22  
**order** [2] - 4:3, 15:22  
**Ordinance** [1] - 4:9  
**ordinance** [2] - 5:3,  
20:20  
**otherwise** [1] - 20:11  
**overall** [1] - 19:2  
**overhang** [4] - 9:12,  
10:22, 11:9, 11:20  
**overview** [1] - 22:19  
**owned** [2] - 6:25,  
11:16  
**owner** [1] - 6:14  
**owners** [2] - 14:17,  
14:19

## P

**p.m** [2] - 4:3, 28:23  
**P.O** [2] - 1:21, 3:22  
**PAPE** [32] - 8:17, 9:4,  
9:11, 11:13, 11:22,  
12:2, 12:12, 13:7,  
13:12, 13:23, 14:7,  
14:11, 14:16, 14:19,  
16:16, 16:19, 17:3,  
17:11, 18:5, 18:8,  
20:7, 20:16, 20:21,  
24:10, 24:12, 24:14,  
24:16, 24:22, 24:25,  
25:3, 25:8, 25:12  
**Pape** [5] - 3:15, 6:14,  
7:11, 8:16, 15:6  
**park** [1] - 23:13  
**parking** [23] - 7:24,  
10:20, 12:19, 12:21,  
13:8, 13:9, 13:19,  
15:1, 15:16, 15:22,  
16:11, 18:23, 21:25,  
22:2, 22:3, 22:10,  
23:23, 23:25, 26:6,  
27:7, 27:15, 28:7  
**part** [3] - 13:15, 14:7,  
19:1  
**participants** [1] - 6:4  
**partly** [1] - 20:6  
**past** [4] - 10:10,  
10:15, 10:24, 11:6

**paved** [1] - 25:19  
**people** [5] - 6:25,  
16:13, 16:14, 19:11,  
23:13  
**permit** [5] - 4:8,  
22:13, 23:15, 23:19,  
26:13  
**person** [1] - 11:16  
**pertaining** [1] - 5:22  
**physically** [3] - 12:7,  
17:4, 24:23  
**place** [2] - 13:20,  
29:8  
**placed** [1] - 5:6  
**placement** [1] -  
20:14  
**plan** [4] - 4:18, 20:7,  
27:4, 28:6  
**planning** [1] - 9:18  
**plans** [1] - 4:11  
**planter** [1] - 14:5  
**plastic** [1] - 20:6  
**plus** [1] - 24:21  
**point** [5] - 16:16,  
17:14, 20:9, 22:7,  
25:18  
**portico** [3] - 7:13,  
28:8, 28:21  
**portion** [2] - 5:5,  
19:23  
**possibility** [1] -  
11:25  
**possible** [1] - 15:8  
**power** [1] - 26:3  
**practical** [2] - 27:1,  
28:3  
**present** [1] - 20:20  
**Present** [1] - 3:10  
**presented** [2] - 27:1,  
28:3  
**pretty** [4] - 10:1,  
12:24, 14:1, 22:3  
**previously** [2] - 4:2,  
29:8  
**problem** [1] - 9:14  
**proceed** [1] - 8:16  
**proceedings** [1] -  
2:23  
**Professional** [3] -  
2:21, 3:20, 29:4  
**project** [1] - 8:7  
**properties** [1] -  
12:18  
**property** [12] - 7:22,  
8:1, 8:6, 13:4, 14:8,  
14:13, 15:2, 15:7,  
15:8, 16:15, 16:17,  
25:19  
**propose** [1] - 13:17  
**proposed** [3] - 4:13,

8:1, 8:7  
**proposition** [1] -  
13:16  
**Public** [2] - 2:22,  
29:5  
**public** [4] - 5:9, 5:13,  
19:22, 22:4  
**pull** [5] - 12:19,  
13:12, 13:13, 15:21,  
18:15  
**pulled** [1] - 14:8  
**pulling** [4] - 12:10,  
13:2, 14:25, 16:13  
**pushing** [1] - 22:1  
**put** [5] - 5:8, 7:3,  
9:25, 10:4, 24:7  
**putting** [2] - 6:18,  
11:23

## Q

**quarter** [1] - 8:20  
**questions** [1] - 19:17  
**quite** [3] - 10:12,  
11:3, 24:9

## R

**raised** [1] - 22:7  
**rather** [1] - 20:5  
**re** [1] - 11:19  
**re-cladding** [1] -  
11:19  
**reality** [1] - 13:8  
**really** [10] - 6:15,  
10:2, 11:13, 12:8,  
18:1, 18:2, 21:22,  
22:23, 24:5, 25:17  
**reason** [2] - 4:10,  
10:12  
**reasonable** [1] -  
26:16  
**reasons** [1] - 4:11  
**received** [1] - 5:17  
**recessed** [1] - 11:5  
**redoing** [1] - 20:7  
**reduce** [2] - 17:1,  
27:13  
**reflective** [1] - 21:7  
**reframing** [1] - 11:21  
**regarding** [1] - 2:19  
**Registered** [3] -  
2:21, 3:20, 29:4  
**relief** [1] - 4:6  
**REMEMBERED** [1] -  
2:15  
**repeat** [1] - 17:9  
**reporter** [1] - 6:5  
**REPORTER** [2] -  
20:2, 29:1

**Reporter** [6] - 2:21,  
3:19, 3:20, 29:5  
**representing** [1] -  
6:8  
**request** [1] - 5:16  
**requested** [2] - 27:3,  
28:6  
**requesting** [2] - 4:6,  
5:14  
**require** [1] - 27:7  
**required** [1] - 4:16  
**residents** [1] - 5:12  
**restate** [1] - 27:25  
**result** [1] - 8:8  
**retail** [3] - 15:2, 21:8,  
21:19  
**reversed** [2] - 27:3,  
28:5  
**review** [1] - 7:20  
**reviewing** [1] - 7:25  
**rid** [2] - 20:10, 20:12  
**right-of-way** [2] -  
6:23, 7:9  
**ROAD** [2] - 1:13,  
2:11  
**road** [1] - 25:4  
**Road** [16] - 1:21,  
2:18, 4:6, 6:9, 6:22,  
11:2, 12:15, 13:1,  
13:4, 15:6, 16:14,  
18:24, 21:7, 21:11,  
22:2  
**Road's** [1] - 23:12  
**roadway** [1] - 24:20  
**roadways** [2] - 7:7,  
16:3  
**roof** [9] - 9:18, 9:19,  
9:20, 11:9, 11:16,  
11:18, 11:20, 11:23  
**room** [2] - 13:12,  
23:3  
**RPR** [1] - 29:15  
**rusting** [1] - 20:6

## S

**safe** [1] - 16:24  
**safety** [3] - 18:23,  
21:14, 22:4  
**Saturday** [1] - 22:22  
**Schlaflly** [1] - 3:7  
**SCHLAFLY** [14] -  
20:3, 20:14, 20:23,  
21:2, 22:6, 22:15,  
22:18, 22:21, 26:24,  
27:12, 27:21, 27:24,  
28:2, 28:18  
**Schnarr's** [10] -  
10:14, 10:24, 15:19,  
18:7, 18:13, 20:2,

21:20, 22:22, 24:3, 25:6  
**seal** [1] - 29:11  
**second** [1] - 28:10  
**seconded** [1] - 28:12  
**Section** [1] - 4:8  
**see** [8] - 7:6, 9:1, 11:20, 12:5, 13:14, 14:4, 19:3, 24:1  
**seem** [3] - 21:20, 23:3, 23:24  
**semis** [3] - 13:20, 13:25, 16:13  
**Senior** [1] - 6:13  
**session** [1] - 19:24  
**set** [2] - 10:12, 29:10  
**setback** [2] - 7:4, 8:21  
**setbacks** [1] - 7:23  
**SHILLINGTON** [3] - 11:25, 21:12, 28:19  
**Shillington** [1] - 3:8  
**shop** [2] - 11:1  
**shopping** [1] - 11:3  
**shops** [1] - 11:15  
**show** [1] - 23:4  
**showing** [1] - 4:18  
**side** [6] - 4:14, 9:5, 9:6, 15:20, 21:11, 24:10  
**sign** [11] - 10:11, 20:4, 20:6, 20:7, 20:8, 20:11, 20:12, 20:15, 20:17, 26:13, 28:22  
**site** [3] - 4:18, 27:4, 28:6  
**sits** [1] - 11:5  
**situation** [6] - 6:11, 12:19, 13:3, 17:14, 17:25, 26:6  
**size** [1] - 27:15  
**slate** [2] - 9:20, 11:23  
**slightly** [1] - 6:17  
**small** [1] - 14:1  
**softer** [1] - 9:21  
**solution** [2] - 11:8, 17:19  
**someone** [3] - 23:7, 23:8, 26:22  
**somewhat** [1] - 11:17  
**sorry** [1] - 4:19  
**sort** [5] - 4:18, 9:24, 10:3, 11:9, 21:18  
**south** [2] - 21:11, 22:19  
**spaces** [8] - 15:1, 16:23, 22:2, 23:6, 26:8, 27:7, 27:16, 28:8

**sparking** [1] - 16:23  
**spot** [2] - 10:7, 24:7  
**St** [3] - 1:21, 3:22, 7:7  
**staff** [1] - 5:23  
**standards** [2] - 7:22, 7:25  
**Stanley** [1] - 3:4  
**start** [1] - 18:2  
**starts** [1] - 11:14  
**State** [3] - 2:19, 2:22, 29:6  
**stick** [1] - 26:8  
**still** [4] - 5:6, 10:24, 11:2, 22:3  
**stock** [1] - 21:11  
**straight** [1] - 9:4  
**strange** [1] - 10:2  
**street** [5] - 14:4, 14:10, 14:11, 14:15, 21:8  
**strikes** [1] - 26:2  
**strip** [2] - 13:14, 13:18  
**structural** [1] - 11:24  
**stuck** [1] - 24:7  
**study** [1] - 16:9  
**subject** [1] - 26:17  
**substantive** [1] - 12:24  
**super** [1] - 17:23  
**support** [3] - 5:16, 19:25, 21:9  
**supposed** [1] - 14:6  
**survey** [2] - 14:8, 25:13  
**swale** [3] - 23:5, 25:3, 25:9  
**sworn** [3] - 6:3, 6:4, 14:23  
**sympathetic** [1] - 22:1  
**system** [1] - 9:18

## T

**ten** [2] - 6:24, 7:2  
**term** [1] - 26:14  
**terms** [1] - 13:3  
**THE** [2] - 1:10, 2:8  
**thinking** [1] - 9:20  
**three** [9] - 8:20, 9:5, 10:1, 10:9, 12:10, 12:20, 22:1, 27:7, 28:7  
**three-dimensional** [1] - 10:9  
**three-quarter** [1] - 8:20  
**tiles** [1] - 5:3

**today** [5] - 6:16, 6:19, 18:19  
**together** [3] - 11:17, 24:4, 25:20  
**Tom** [2] - 3:16, 6:13  
**took** [1] - 7:2  
**tough** [1] - 12:8  
**towards** [1] - 22:2  
**tractor** [1] - 15:15  
**tractor-trailer** [1] - 15:15  
**traffic** [10] - 12:16, 13:4, 13:5, 14:25, 15:10, 16:9, 16:12, 17:20, 18:18, 22:10  
**trailer** [1] - 15:15  
**tree** [4] - 18:8, 18:9, 24:17, 25:15  
**trees** [1] - 24:14  
**tried** [2] - 10:17, 13:17  
**trouble** [1] - 18:21  
**truck** [2] - 14:2, 21:21  
**truck-turning** [1] - 21:21  
**trucks** [7] - 13:24, 15:13, 15:21, 18:12, 18:15, 21:18, 25:21  
**true** [2] - 7:23, 8:10  
**truly** [1] - 22:21  
**try** [3] - 11:7, 16:11, 19:24  
**trying** [4] - 9:21, 10:5, 10:8, 10:16  
**turn** [5] - 13:20, 14:2, 25:21, 27:15, 27:17  
**turned** [1] - 24:6  
**turning** [1] - 21:21  
**two** [8] - 11:11, 11:14, 19:11, 21:18, 23:12, 24:2, 26:8, 26:19  
**type** [1] - 16:8  
**typically** [1] - 24:19

## U

**unappealing** [1] - 21:3  
**uncontrolled** [1] - 19:6  
**underneath** [1] - 12:2  
**understood** [1] - 8:10  
**undesirability** [1] - 22:1  
**unless** [2] - 19:21, 23:16

**unreasonable** [2] - 23:24, 25:24  
**unsafe** [1] - 19:5  
**up** [17] - 6:21, 9:17, 10:11, 10:21, 11:2, 12:5, 12:7, 12:17, 12:25, 15:5, 15:22, 16:22, 17:6, 18:15, 20:8, 23:2, 23:6  
**up-to-date** [1] - 9:17

## V

**vacated** [1] - 14:4  
**variance** [13] - 5:15, 6:18, 11:8, 17:10, 19:3, 19:20, 20:13, 23:15, 23:21, 25:24, 26:3, 27:3, 28:5  
**vast** [1] - 21:10  
**violates** [1] - 4:8  
**violation** [6] - 5:3, 6:15, 6:19, 6:20, 7:3, 7:10  
**virtually** [3] - 9:25, 10:22, 12:4  
**visibility** [1] - 12:21  
**visible** [1] - 23:8  
**visual** [1] - 23:4  
**vote** [1] - 28:13

## W

**Walch** [1] - 3:4  
**WALCH** [28] - 4:4, 4:17, 4:21, 5:2, 5:7, 5:21, 7:18, 8:9, 8:14, 9:7, 11:11, 19:8, 19:12, 19:15, 20:19, 20:25, 22:25, 23:18, 23:20, 24:13, 26:2, 26:21, 27:10, 27:22, 27:25, 28:11, 28:17, 28:20  
**walkway** [1] - 10:3  
**welcoming** [1] - 10:2  
**west** [1] - 15:20  
**WHEREOF** [1] - 29:10  
**whole** [1] - 21:23  
**wide** [5] - 10:1, 16:8, 20:22, 21:25, 22:3  
**wife** [1] - 27:16  
**wishes** [1] - 19:19  
**WITNESS** [1] - 29:10  
**wonder** [1] - 12:25  
**wonderful** [1] - 17:23  
**wondering** [2] - 15:4, 15:11  
**WOOLDRIDGE** [2] -

5:20, 14:12  
**Wooldridge** [2] - 3:11, 5:19  
**works** [1] - 24:9  
**worse** [1] - 17:14  
**worst** [1] - 24:7

## Y

**yard** [1] - 4:16  
**year** [1] - 23:11  
**years** [3] - 13:16, 14:9, 23:1

## Z

**zoning** [1] - 7:22  
**ZONING** [2] - 1:3, 2:1  
**Zoning** [3] - 2:16, 4:1, 5:24